



LAWRENCE S. LUSTBERG  
Director

Gibbons P.C.  
One Gateway Center  
Newark, New Jersey 07102-5310  
Direct: (973) 596-4731 Fax: (973) 639-6285  
llustberg@gibbonslaw.com

June 19, 2013

**VIA ECF**

Honorable Jose L. Linares  
United States District Judge  
Martin Luther King, Jr. Federal Building & U.S. Courthouse  
50 Walnut Street  
Newark, New Jersey 07101

**Re:** *United States ex rel. Simpson v. Bayer*  
Civ. No. 05-3895 (JLL)(JAD)

Dear Judge Linares:

As Your Honor is Aware, this Firm and Sidley Austin LLP represent Defendants Bayer Corporation, Bayer Healthcare Pharmaceuticals, Inc., and Bayer Healthcare LLC ("Bayer Defendants")<sup>1</sup> in the above-captioned matter. We write in response to Plaintiff/Relator Laurie Simpson's letter dated June 18, 2013, which seeks leave to comment on the Government's Statement of Interest, filed yesterday. *See* ECF No. 117. Of course, the Bayer Defendants do not object to the Plaintiff/Relator seeking leave to comment on the Government's Statement. They do, however, believe that it is unfair and inappropriate for her to delay her response until ten (10) days after Bayer submits its comments. Indeed, if Plaintiff/Relator really seeks to comment on the Government's Statement, as she states, then there is no reason why she should not submit her comment at the same time as the Bayer Defendants, rather than awaiting the submission of the Bayer Defendants. If, after the parties' respective comments are received it is determined that further submissions are warranted, the issue and timing of such submissions can be addressed at that time.

If Your Honor has any questions or concerns about this matter, please do not hesitate to contact me. Thank you for your kind consideration.

Respectfully submitted,

s/ Lawrence S. Lustberg  
Lawrence S. Lustberg  
Gibbons P.C.  
One Gateway Center  
Newark, NJ 07102  
(973) 596-4731

---

<sup>1</sup> This application is brought only by Bayer Corporation, Bayer HealthCare Pharmaceuticals, Inc., and Bayer HealthCare LLC ("Bayer"). Bayer AG, a named defendant, has not yet been served.

GIBBONS P.C.

Honorable Jose L. Linares  
United States District Judge  
June 19, 2013  
Page 2

Eugene A. Schoon  
Sidley Austin LLP  
One South Dearborn  
Chicago, Illinois 60603  
(312) 853-7279

Attorneys for Defendants  
Bayer Corporation et al.

cc: Edward Normand, Esq. (*via ECF*)  
Jeremy B. Stein, Esq. (*via ECF*)  
Paul S. Doherty, Esq. (*via ECF*)  
Roseanne C. Baxter, Esq. (*via ECF*)  
David Edward Dauenheimer, Ass't U.S. Attorney (*via ECF*)